

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2702 OF 2023

Shivprasad Raghunath Shikare And Another

VERSUS

Dasharath Rajaram Ingale And Others

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Advocate for the Petitioners : Mr. Kawale Laxman H.

AAvocate for Respondent No.1 : Mr. Choudhary Deelip Janardhanrao

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 09, 2025

PER COURT :

1. Heard learned counsel for respective parties.
2. By way of present petition, the petitioners are challenging the order dated 08.12.2022 passed below Exhibit-90 by the learned Civil Judge, Junior Division, Kaij in R.C.S. No.07 of 2016, whereby the application filed by the petitioners for leading secondary evidence came to be rejected.
3. The learned Trial Court while considering the application below Exhibit-90 rejected the same on the ground that notice under Section 66 of the Indian Evidence Act was not issued.
4. I have considered the reasoning as well as the arguments advanced by both the parties. Once the petitioner placed on record the certified copy of the document by specifying that the original was not available or not traceable, therefore, as per Section 65 of the Indian Evidence Act, the same can be considered and the petitioner

can be permitted to lead the same as secondary evidence. The findings recorded by the lower Court are not as per the principles of law. Once the certified copy was placed on record then the Trial Court ought to have permitted to lead the said certified copies as secondary evidence. Therefore, I am inclined to allow the petition.

5. In view thereof, the petition is allowed. The order dated 08.12.2022 passed below Exhibit-90 by the learned Civil Judge, Junior Division, Kaij in R.C.S. No.07 of 2016 is hereby quashed and set aside.

6. Application below Exhibit-90 is allowed and petitioners are permitted to lead the certified copies of sale deed as secondary evidence.

(SIDDHESHWAR S. THOMBRE, J.)